

**PLANNING COMMISSION AGENDA**  
**CITY OF NEWPORT BEACH**  
**COUNCIL CHAMBERS - 3300 NEWPORT BOULEVARD**  
**Thursday, February 23, 2012**  
**Regular Meeting – 7:00 p.m.**

**MICHAEL TOERGE**  
Chair

**BRADLEY HILLGREN**  
Vice Chair

**FRED AMERI**  
Secretary

**KORY KRAMER**

**JAY MYERS**

**LARRY TUCKER**

Planning Commissioners are citizens of Newport Beach who volunteer to serve on the Planning Commission. They were appointed by the City Council by majority vote for 4-year terms. At the table in front are City staff members who are here to advise the Commission during the meeting. They are:

**KIMBERLY BRANDT, Community Development Director**

**BRENDA WISNESKI, Deputy Community  
Development Director**

**LEONIE MULVIHILL, Assistant City Attorney    TONY BRINE, City Traffic Engineer**

**NOTICE TO THE PUBLIC**

Regular meetings of the Planning Commission are held on the Thursdays preceding second and fourth Tuesdays of each month at 6:30 p.m. Staff reports or other written documentation have been prepared for each item of business listed on the agenda. If you have any questions or require copies of any of the staff reports or other documentation, please contact the Community Development Department, Planning Division staff at (949) 644-3200. The agendas, minutes, and staff reports are also available on the City's web site at: <http://www.newportbeachca.gov>.

This Commission is subject to the Ralph M. Brown Act. Among other things, the Brown Act requires that the Commission's agenda be posted at least 72 hours in advance of each meeting and that the public be allowed to comment on agenda items before the Commission and items not on the agenda but are within the subject matter jurisdiction of the Commission. The Commission may limit public comments to a reasonable amount of time, generally either three (3) or five (5) minutes per person.

It is the intention of the City of Newport Beach to comply with the Americans with Disabilities Act (ADA) in all respects. If, as an attendee or a participant of this meeting, you will need special assistance beyond what is normally provided, the City of Newport Beach will attempt to accommodate you in every reasonable manner. Please contact Leilani Brown, City Clerk, at least 72 hours prior to the meeting to inform us of your particular needs and to determine if accommodation is feasible (949-644-3005 or [lbrown@newportbeachca.gov](mailto:lbrown@newportbeachca.gov)).

If in the future, you wish to challenge in court any of the matters on this agenda for which a public hearing is to be conducted, you may be limited to raising only those issues, which you (or someone else) raised orally at the public hearing or in written correspondence received by the City at or before the hearing.

**APPEAL PERIOD:** Use Permit, Variance, Site Plan Review, and Modification Permit applications do not become effective until 14 days following the date of approval, during which time an appeal may be filed with the City Clerk in accordance with the provisions of the Newport Beach Municipal Code. Tentative Tract Map, Tentative Parcel Map, Lot Merger, and Lot Line Adjustment applications do not become effective until 10 days following the date of approval, during which time an appeal may be filed with the City Clerk in accordance with the provisions of the Newport Beach Municipal Code. General Plan and Zoning Amendments are automatically forwarded to the City Council for final action.

**NEWPORT BEACH PLANNING COMMISSION AGENDA**  
**Council Chambers – 3300 Newport Boulevard**  
**Thursday, February 23, 2012**  
**REGULAR MEETING**  
**7:00 p.m.**

**A. CALL TO ORDER**

**B. PLEDGE OF ALLEGIANCE**

**C. ROLL CALL**

**D. PUBLIC COMMENTS**

*Public comments are invited on non-agenda items generally considered to be within the subject matter jurisdiction of the Planning Commission. Speakers must limit comments to three (3) minutes. Before speaking, please state your name for the record and print your name on the tablet provided at the podium.*

**E. REQUEST FOR CONTINUANCES**

**F. CONSENT ITEMS**

**ITEM NO. 1** Minutes of February 9, 2012, Study Session

**ACTION:** Approve and file.

**ITEM NO. 2** Minutes of February 9, 2012

**ACTION:** Approve and file.

**G. PUBLIC HEARING ITEMS**

**ALL TESTIMONY GIVEN BEFORE THE PLANNING COMMISSION IS RECORDED. SPEAKERS MUST LIMIT REMARKS TO THREE (3) MINUTES ON ALL ITEMS.** (Red light signifies when three (3) minutes are up; yellow light signifies that the speaker has one (1) minute left for summation.) Please print only your name on the pad that is provided at the podium.

Any writings or documents provided to a majority of the Planning Commission regarding any item on this agenda will be made available for public inspection in the Community Development Department, Planning Division located at 3300 Newport Boulevard, during normal business hours.

**ITEM NO. 3** Zoning Code Amendment Height of Fences, Hedges, Walls, and Retaining Walls (PA2012-018)

**SUMMARY:** The City of Newport Beach is considering an amendment to Section 20.30.040 (Fences, Hedges, Walls, and Retaining Walls) and Section 20.30.060 (Height Limits and Exceptions) to modify the method by which the height of fences, hedges, walls and retaining walls are measured. Other sections may be modified to ensure consistency of regulations. The proposed amendment will affect regulations that affect all property within the City. Staff recommends that this item be continued to March 8, 2012.

**CEQA**

**COMPLIANCE:** All significant environmental concerns for the proposed project have been addressed in a previously certified environmental document (Initial Study/Negative Declaration for the Zoning Code Update), and that the City of Newport Beach intends to use said document for the above noted project, and further that there are or no new mitigation measures that should be considered in conjunction with said project. Copies of the Initial Study/Negative Declaration for the Zoning Code Update are available for public review and inspection at the City of Newport Beach Planning Division or on the City's website.

**ACTION:** Continue the item to the March 8, 2012, Planning Commission meeting.

## **H. NEW BUSINESS**

**ITEM NO. 4** General Plan Annual Status Report including Housing Element Report (PA2007-195)

**SUMMARY:** Government Code Section 65400 mandates that the City prepare an annual report on the status of the General Plan and the progress of implementation. The General Plan Annual Status Report including Housing Element Report includes the requirements pursuant to Government Code Section 65400(B) and Government Code Sections 65583 and 65584, relating to the implementation of the Housing Element of the General Plan. The report will be submitted to the City Council and a copy is required to be sent to the Office of Planning and Research (OPR) and the Department of Housing and Community Development (HCD).

**CEQA COMPLIANCE:** The Report is not subject to CEQA, as the actions are not a project as defined in Section 15378(b) (2) of the Public Resources Code.

**ACTION:** Receive and file.

## **I. STAFF AND COMMISSIONER ITEMS**

**ITEM NO. 5** Community Development Director's report.

**ITEM NO. 6** Announcements on matters that Commission members would like placed on a future agenda for discussion, action, or report.

**ITEM NO. 7** Request for excused absences.

## **ADJOURNMENT**